

City Council Introduction: **Monday**, April 2, 2001
Public Hearing: **Monday**, April 9, 2001, at **1:30 p.m.**

Bill No. 01-55

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3311**, from P Public Use to O-3 Office Park, requested by the Director of Parks & Recreation, on a parcel of ground consisting of 2.31 acres, more or less, generally located 450 feet west of Ridgeview Drive, on the north side of Pioneers Blvd.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/21/01
Administrative Action: 03/21/01

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (8-0: Krieser, Duvall, Hunter, Taylor, Steward, Carlson, Newman and Bayer voting 'yes'; Schwinn absent).

ASSOCIATED REQUEST: Declaration of Surplus Property (**Bill No. 01-14** on Council's pending list)

FINDINGS OF FACT:

1. This change of zone request is related to the declaration of the same property as surplus, which is currently Bill No. 01-14 on the Council's pending list. **Bill No. 01-14 should be removed from the pending list and scheduled for public hearing on April 9, 2001, along with this change of zone request.**
2. The Planning staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.3-4.
3. The presentation by Lynn Johnson, the Director of Parks & Recreation as the applicant, is found on p.5.
4. Testimony in opposition is found on p.5-6.
5. The Planning Commission discussion with the applicant is found on p.6-7.
6. On March 21, 2001, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 26, 2001

REVIEWED BY: _____

DATE: March 26, 2001

REFERENCE NUMBER: FS\CC\FSCC3311

W44

DATE: March 6, 2001

GENERAL INFORMATION:

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The City Council placed "Comprehensive Plan Conformity #00010", to find a designation as surplus in conformance with the Comprehensive Plan, on the pending list on March 1, 2001.

HISTORY:

December 12, 1997 The Planning Commission approves Use Permit #106 for 41,700 square feet of office space and two dwellings on the property to the east, and recommends approval to Change of Zone #3093 from R-1 Residential to O-3 Office Park District.

January 20, 1998 The City Council approves Change of Zone #3093 from R-1 Residential to O-3 Office Park District on the property to the east of this parcel.

January 10, 2001 The Planning Commission recommends conditional approval of a declaration of surplus property and a finding of conformity with the Comprehensive Plan (Comprehensive Plan Conformity #00010.)

February 26, 2001 The City Council places Comprehensive Plan Conformity #00010 on the pending.

SPECIFIC INFORMATION:

UTILITIES: The site can be served with City utilities.

TOPOGRAPHY: The site slopes to the north and west.

PUBLIC SERVICE: The closest fire station is located at S. 48th St. and Claire Ave.

AESTHETIC CONSIDERATIONS: The area is currently used for a park maintenance facility.

ALTERNATIVE USES: Continued use as a park maintenance facility.

ANALYSIS:

1. This is a request for a change of zone from P Public Use to O-3 Office Park District.
2. The request is associated with "Comprehensive Plan Conformity" #00010 to declare the area as surplus and render a finding of conformity with the Comprehensive Plan.
3. Talent+ (d.b.a. One Vista) owns the office-zoned property to the east and desires to purchase this parcel in order to combine it with their land and develop an office campus.
4. The Parks and Recreation Advisory Board reviewed the request on September 14, 2000 and recommended that the land be declared surplus.

5. The Planning Commission recommended a finding of conformance with the Comprehensive Plan and approval with conditions to the declaration of surplus (Comprehensive Plan Conformity #00010) on January 10, 2001.
6. One of the conditions of approval was to initiate a change of zone to O-3 Office Park District.
7. The O-3 Office district requires a Use Permit, which provides a mechanism to assess and minimize the impacts of future development on adjacent uses.
8. Future office development on the property is not anticipated to negatively impact any immediately adjacent residences, since the parcel is surrounded by park land, land slated for office park development, and (across 4-lane Pioneers Blvd.) land in long-term use by Cedars-Youth Services.
9. P Public Use zoned land is a district for land owned and operated by a Public entity. A change of zone to a district that provides for private ownership is necessary if the land is declared surplus and sold.

STAFF RECOMMENDATION:

Approval

Prepared by:

Jennifer L. Dam, AICP

CHANGE OF ZONE NO. 3311

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 21, 2001

Members present: Krieser, Duvall, Hunter, Taylor, Steward, Carlson, Newman and Bayer; Schwinn absent.

Planning staff recommendation: Approval.

This application was removed from the Consent Agenda at the request of Commissioner Carlson.

Proponents

1. Lynn Johnson, Director of the Parks & Recreation Department, explained that the intent of this application is to establish O-3 zoning for the parcel previously reviewed by the Planning Commission to be declared surplus property. This zoning action will be aligned with the Council's review of the surplus property designation. This zone change is consistent with the adjacent parcel owned by Talent Plus where the Commission previously approved O-3 zoning and a use permit for an office building.

Carlson inquired as to the next process to remove city ownership from the property. Johnson explained that the declaration of surplus property is on the Council's pending list waiting for this zoning action. In mid-April the Council will be reviewing both items.

Opposition

1. Ronald F. Bauer, 4421 Smoketree Hollow, which is part of the Pinehurst Townhouse Association directly south of the proposal at the intersection of Pine Ridge and So. 67th, testified in opposition. He is opposed to this change of zone as well as some of his other neighbors. It is not compatible with existing land use, which is residential and park. This proposes to have a commercial entity between residential and park and he does not believe that is compatible development. He does not believe it is in accordance with sound planning practices.

Bauer cited the basic purposes from the Comprehensive Plan, "1) To improve the physical environment of the community as a setting for human activities—to make it more functional, beautiful, decent, healthful, interesting and efficient; 2) to promote the public interest, the interest of the community at large, rather than the interests of individuals and special groups within the community;....5) to inject long-range considerations into the determination of short-range actions...".

Bauer purports that this change of zone is a short range action and it does not consider the long term needs of the city.

Bauer is interested in knowing the criteria used in determining that this land is surplus. It is irregularly shaped and is part of the Holmes Lake/Holmes Golf Course. He realizes that right now some maintenance facilities are there. If the maintenance facilities are surplus, so be it. But it is up to the city to take those out and re-landscape that property back into the park. The present boundaries are straight and even and this triangle will interrupt that straightness and evenness.

Bauer then referred to the staff report and the analysis regarding the relocation of Fire Station #6. If this commercial office development goes in, is this fire station still going to be moved, and if so, how does it fit into the total complex?

Bauer referred to #3 of the staff report Analysis. Talent Plus owns the office zoned property to the east and desires to purchase this parcel to combine with their land to develop an office campus. Bauer believes this is in direct conflict with the Comprehensive Plan—to promote the public interest, the interest of the community at large, rather than the interest of individuals or special interest groups within the community.

Bauer also disagrees with #8 of the staff report Analysis. The staff report states that future office development on this property is not anticipated to negatively impact any immediately adjacent residences, etc. Bayer believes it will negatively impact the entire neighborhood. He lives in this area and drives on Pioneers nearly every day. There is no way that an office campus complex will fit in.

Bauer advised that there would have been other neighbors here in opposition today but it is difficult for them to get off work to attend.

Carlson inquired whether Bauer's neighborhood association had any input on the office park parcel already zoned O-3 in January of 1998. Commissioner Bayer recalled that there was neighborhood discussion at the hearing on the office for Talent Plus.

Carlson was curious about the comprehensive plan conformity issue being on the Council's pending list with this moving forward. Why are they moving forward together? Jennifer Dam of Planning staff believes that the Council wanted to see what zoning would be associated with the surplus property because if cannot be zoned P if declared surplus. Johnson added that Talent Plus actually asked that the declaration of surplus property be placed on pending waiting for this zoning action. The appraisal on the property is based on O-3 zoning and there is a written the agreement such that Talent Plus would be responsible for the zoning, but they wanted to make sure the zoning was established prior to that so that the community would have an opportunity to discuss it.

Carlson inquired of Johnson about the criteria for surplus and the fire station issue. Johnson explained that the Fire Department has determined that even though the Comprehensive Plan still identifies this as a potential location, their preferred location is further south and east. As far as the criteria for determining surplus property, the process is initiated by the applicant and in this case it was Talent Plus. Staff reviewed the request to make sure indeed it would not have impact on the operation of the Golf Course and the parks and open space issues. It was presented to the Parks & Recreation Advisory Board, and that Board recommended approval and that it move to the Planning Commission. The win-win we see is that the land here has to

be replaced value per value, i.e. more than ½ million dollars of land has to be placed elsewhere in the community so that there is a net increase in park land as a result of this sale.

Steward asked Johnson what he envisions for location for replacement of the maintenance function. Johnson stated it would be located at the north edge of the golf course on the south side of South Shore Drive and immediately east of the driving range. This location closer to the clubhouse and the holes on the golf course will be a better operational location for the maintenance facility. Steward wondered whether that would be a lesser visual impact by eyes from the street. Johnson indicated that there have been concerns raised about the appearance of that existing facility from Pioneers Blvd. on many occasions. The relocated facility will be more obscure.

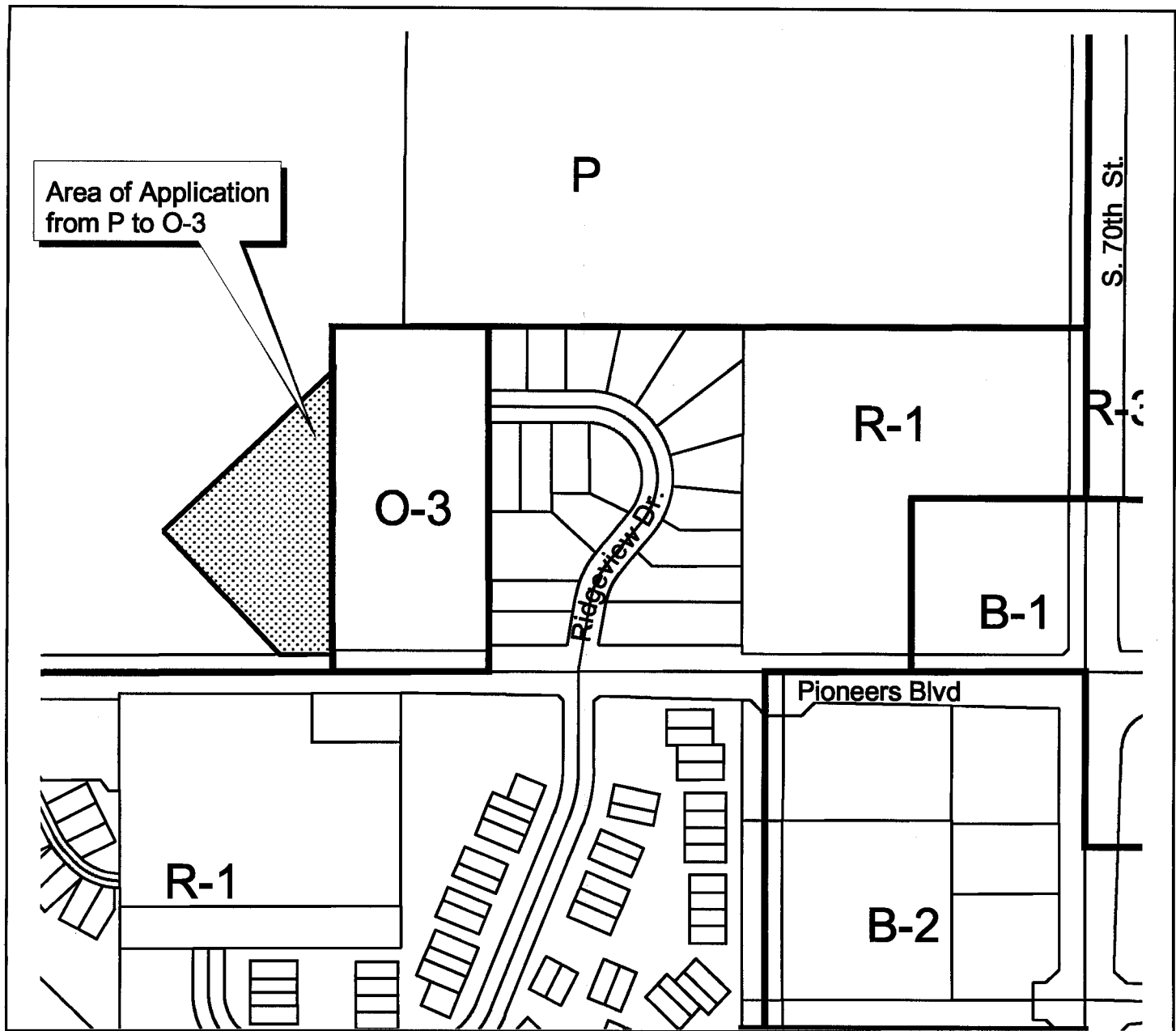
Steward inquired whether Talent Plus will be placing other buildings on this parcel. Johnson believes that the master plan is essentially an extension of a wing of their office building and they would have parking on a portion of this property. It would be a westerly extension of one of the wings of their office building.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 21, 2001

Steward moved approval, seconded by Hunter and carried 8-0: Krieser, Duvall, Hunter, Taylor, Steward, Carlson, Newman and Bayer voting 'yes'; Schwinn absent.



Change of Zone #3311 66th & Pioneers Blvd.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

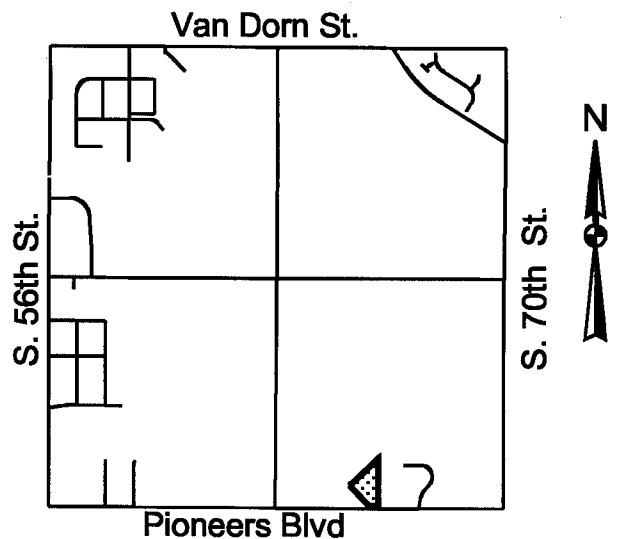
One Square Mile
Sec. 4 T9N R7E



Zoning Jurisdiction Lines



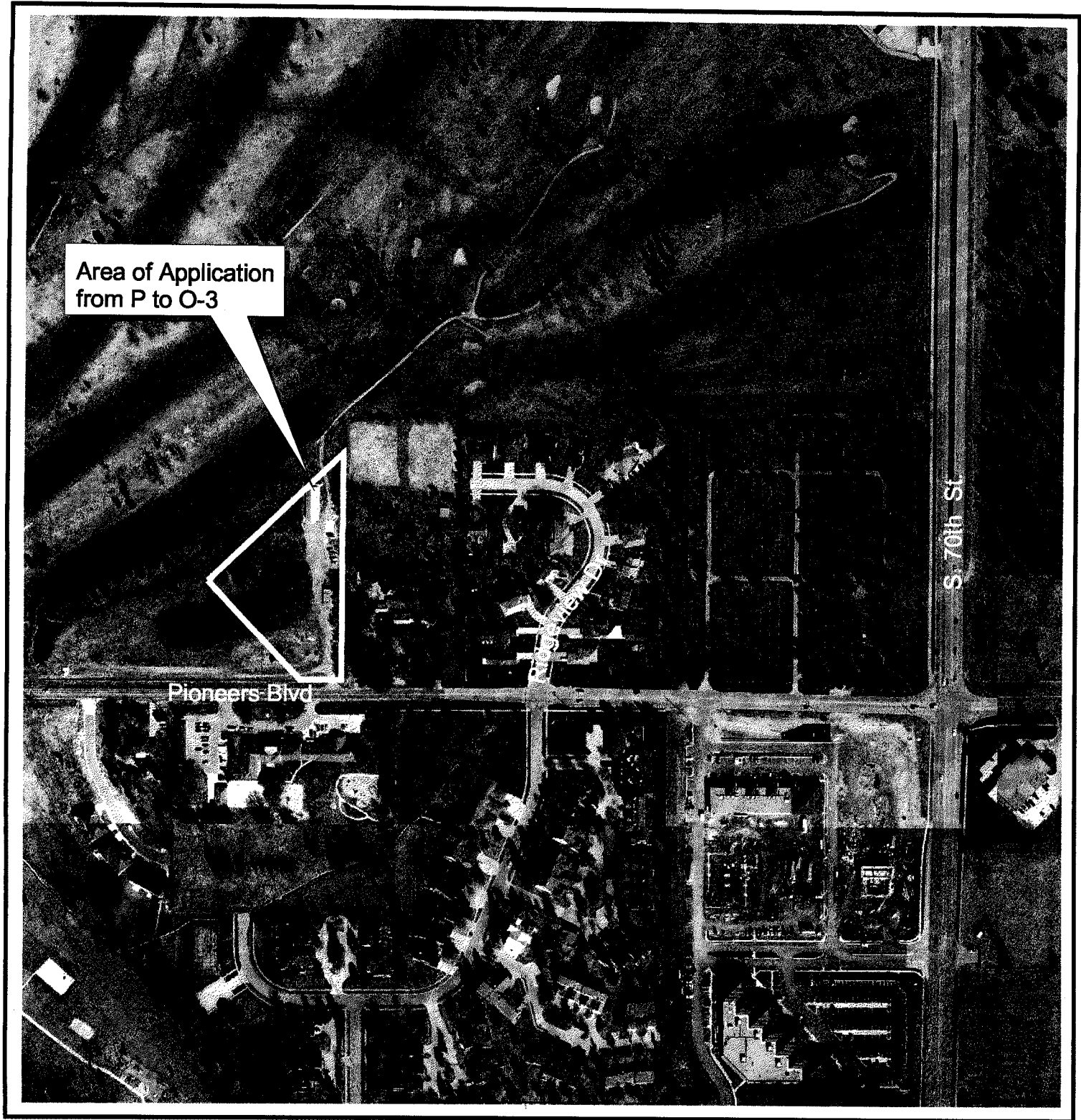
City Limit Jurisdiction



Sheet 1 of 2
Date:

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Lincoln City - Lancaster County Planning Dept.



**Change of Zone #3311
66th & Pioneers Blvd.**



Sheet 2 of 2

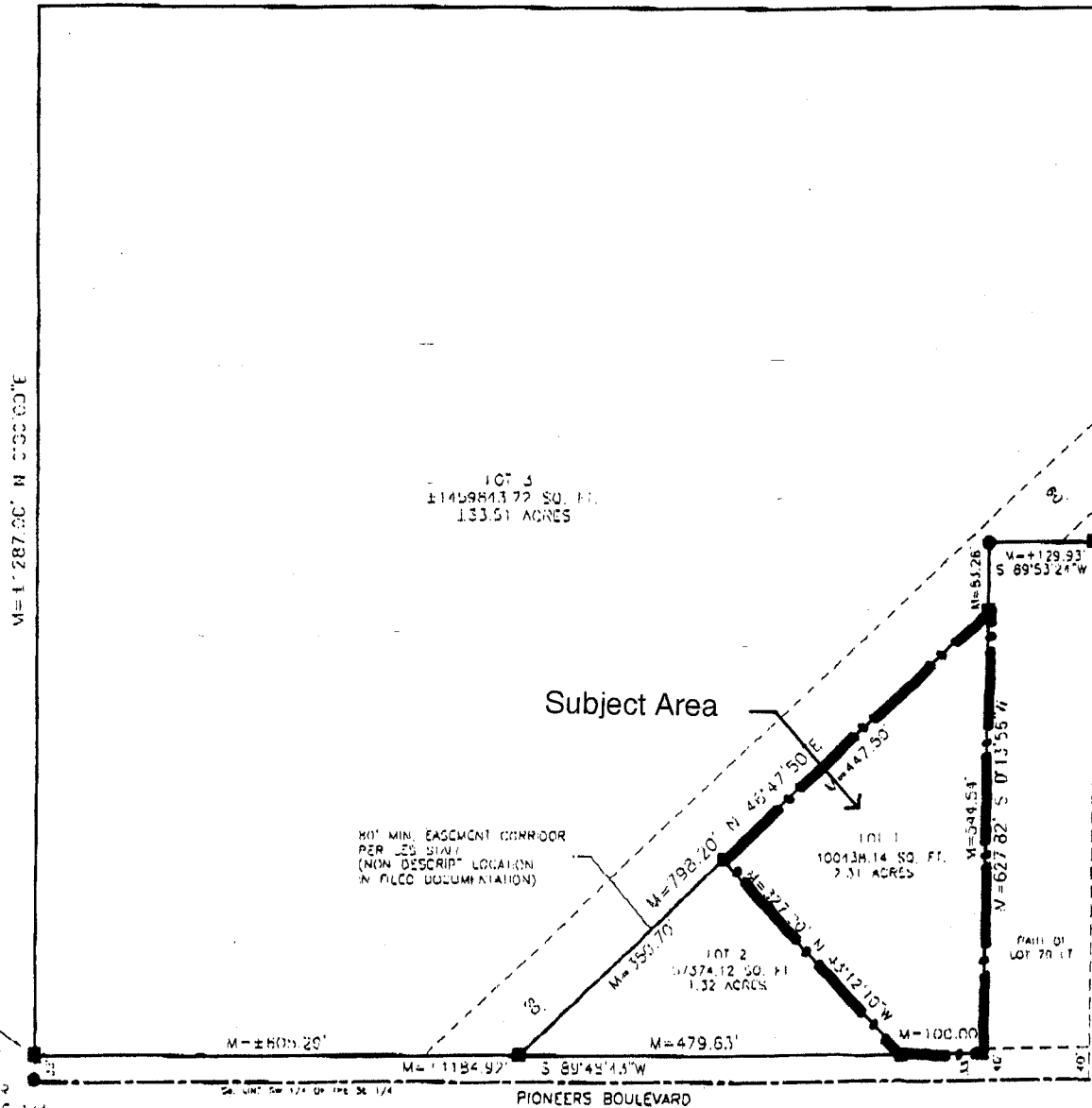
Date: _____

Photograph Date: 1997 **009**
Lincoln City - Lancaster County Planning Dept.

NW CORNER
SW 1/4, SE 1/4
SEC. 4-9-7

M = +1320.00' N 90°00'00"E

NE CORNER
SW 1/4,
SEC. 4-9



LOT 1

PART OF LOT 80 IRREGULAR TRACTS, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 80, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF PIONEERS BOULEVARD; THENCE ON SAID NORTH RIGHT OF WAY LINE, ON AN ASSIGNED BEARING OF S 89°48'43"W A DISTANCE OF 100.00'; THENCE N 43°12'10"W 327.20'; THENCE N 46°47'50"E 447.50', TO A POINT ON THE WEST LINE OF LOT 79 IRREGULAR TRACT; THENCE ON SAID WEST LINE, S 0°13'56"W 544.54', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 2.31 ACRES, MORE OR LESS.